

**REMARKS**

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-20 are pending in the application. Several original claims have been amended to better define the claimed invention. New claims 13-20 have been added to provide Applicants with the scope of protection to which they are believed entitled. The amended/new claims find solid support in the original specification and drawings, e.g., the figure, paragraph 0013 the last sentence, paragraph 0014 the last sentence, paragraph 0015 the last sentence, paragraph 0017 lines 5-6, and page 5 lines 1-3. No new matter has been introduced through the foregoing amendments.

The claim objection and *35 U.S.C. 112, second paragraph* rejection are believed overcome in view of the above amendments.

The *35 U.S.C. 103(a)* rejection of all original claims as being obvious over *Rosener* in view of *Tourunen* is traversed, because the references singly or in combination fail to disclose, teach or suggest all limitations of the rejected claims. For example, as to independent claim 1, the applied references, especially *Rosener*, do not fairly teach or suggest (i) downlink and uplink channels using different wireless technologies operating at different, non-overlapping frequency bandwidths, and (ii) a controller arranged for controlling data communications over the downlink channel and the uplink channel to maximize the QoS of downlink data communication.

With respect to (i), the Examiner alleges that *Rosener* discloses the claimed feature in paragraphs 42 and 84-88. Applicants respectfully disagree. Paragraph 42 of *Rosener* discloses a multi-band, multi-protocol repeater (103, FIG. 1). Paragraphs 84-88 of *Rosener* disclose an embodiment, i.e., SFA (same frequency active), of the repeater generally disclosed in paragraph 42. However, a person of ordinary skill in the art would find, in the cited passages, no disclosure that the repeater of *Rosener* uses different wireless technologies for downlink and uplink channels as presently claimed. Quite the opposite, the *Rosener* SFA (same frequency active) repeater strongly suggests, if not expressly teaches, that the same frequency (rather than different non-overlapping frequencies) is used for both uplink and downlink. *See* also the definition of SFA in Table 1 of *Rosener*. Accordingly, Applicants respectfully submit that *Rosener* does not teach or suggest the claim feature (i).

With respect to (ii), the Examiner alleges that *Rosener* discloses the claim feature in claims 38 and 42 of the reference. Applicants, again, respectfully disagree. The cited claims of *Rosener* disclose at best maintaining the signal quality at a predetermined level. Thus, in *Rosener*, when the desired signal quality has been reached, the system will not attempt to further increase, and hence maximize, the signal quality. This is significantly different from the claimed invention which, in contrast, calls for maximizing the QoS. Accordingly, Applicants respectfully submit that *Rosener* does not teach or suggest the claim feature (ii).

The above-discussed deficiencies of *Rosener* are not deemed curable by the teaching reference of *Tourunen*, and therefore, the obviousness rejection of claim 1 is inappropriate and should be withdrawn.

Independent claims 4 and 10-12 include limitations similar to those of claim 1 and are believed patentable over the art for at least the same reasons presented with respect to claim 1.

Claims 4 and 10-12 are also patentable on their own merits since these claims recite another feature neither disclosed, taught nor suggested by the applied art, i.e., the access point and the mobile communications device are directly communicated via the uplink and downlink channels. In the *Rosener* reference, as applied by the Examiner, the access point is 105 and the mobile communications device is 101 which are communicated with one another via a repeater 103. That is, in the Examiner's interpreted reference of *Rosener*, the access point 105 is not directly communicated with the mobile communications device 101. The above-discussed deficiency of *Rosener* are not deemed curable by the teaching reference of *Tourunen*, and therefore, the obviousness rejection of claims 4 and 10-12 are believed overcome.

The dependent claims are considered patentable at least for the reasons advanced with respect to the respective independent claims.

As to claim 2, the Examiner's reliance on link 104 and the relevant teaching at paragraph 69 of *Rosener* is improper, because link 104 is between controller 106 and repeater 103 and is not readable on any of the uplink or downlink channels between mobile communications device 101 and access point 105.

As to claims 13-16, the applied references do not fairly teach or suggest that data is communicated between the access point and the given mobile communications device simultaneously on both said downlink and uplink channels (using different wireless technologies/bandwidths/data rates as defined in the respective independent claims).

As to claim 17, the applied references do not fairly teach or suggest that said controller is an integral part of the access point. *See*, for example, FIG. 1 of *Rosener* whereas owner control unit/controller 106 is located inside the building 107 and is not an integral part of the access point/base station 105 which is located outside the building.

As to claims 18-20, the applied references do not fairly teach or suggest that said communications device comprises different first and second antennas and the further data communicator of said at least one communications device comprises different first and second sections coupled with said first and second antennas, respectively, for handling data communications using said first and second wireless technologies, respectively. The mobile communications devices 101 of *Rosener* are not disclosed to be multi-band or multi-protocol capable, and hence, do not include the presently claimed features.

Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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